

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MARK EDWARDS,

Plaintiff,

DECISION AND ORDER

07-CV-6343L

v.

C.O. SKELLY, et al.,

Defendants.

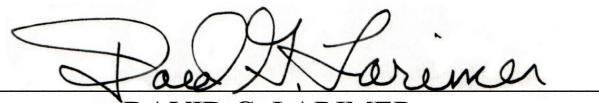
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The *pro se* plaintiff in this case, Mark Edwards, has filed a motion for summary judgment (Dkt. #42). Plaintiff's motion is denied. Summary judgment will be granted only if the moving party succeeds in demonstrating that "there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(c). Plaintiff's conclusory assertion that defendants have not presented a viable defense is plainly insufficient to meet that burden.

**CONCLUSION**

Plaintiff's motion for summary judgment (Dkt. #42) is denied.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
October 26, 2010.